



Nepal

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Nepal is a constitutional monarchy with a parliamentary form of government. In 1990 the late King Birendra, formerly an absolute monarch, legalized political parties, after which an interim government promulgated a new Constitution. King Birendra's brother, King Gyanendra, assumed the throne on June 4, 2001, after the late Crown Prince Dipendra apparently killed King Birendra and nine members of the royal family. The democratically elected Parliament consists of the House of Representatives (lower house) and the National Assembly (upper house). In 1999 the country's third national parliamentary elections were held, which international observers considered to be generally free and fair. At the request of Prime Minister Sher Bahadur Deuba, King Gyanendra dissolved Parliament in May and set mid-term elections for November 13. In October the King dissolved the caretaker government, postponed elections indefinitely, and asked all major political parties to nominate members to an interim Cabinet. On October 11, the King appointed Lokendra Bahadur Chand as Prime Minister of an interim government. After Maoist insurgents broke a 4-month ceasefire with a series of violent attacks in November 2001, King Gyanendra, acting on the advice of the Cabinet of Ministers, declared a nationwide state of emergency which remained in effect until it expired on August 28. Under the Constitution's emergency provisions, the King suspended several constitutional rights, including the right to assembly, the right to public information, and the rights to opinion and expression. These rights were restored after the expiration of the emergency on August 28. The Constitution provides for an independent judiciary; however, the courts often were inefficient and susceptible to political pressure and corruption.

In 1996 the leaders of the Maoist United People's Front ("Maoists") launched a "People's War" that has led to continued violence in 74 of the country's 75 districts. The insurrection has been waged through torture, killings, bombings, extortion, and intimidation against civilians and public officials.

The Royal Nepal Army (RNA) assumed responsibility for internal security from the National Police Force at the beginning of the state of emergency in November 2001 and continued this responsibility during the year. The Army maintained internal security and was subject to effective control of the King, who was its Supreme Commander. The National Police Force continued to be subject to effective civilian control. Local Chief District Officers (CDO's), who were civil servants in the Home Ministry, have wide discretion in maintaining law and order. An Act passed by Parliament in August 2001 provided for the establishment of the paramilitary Armed Police Force (APF). There were reports of the arbitrary or unlawful deprivation of life committed by the by the security forces. Some members of the security forces committed numerous serious human rights abuses.

The country is extremely poor, with an annual per capita gross domestic product of approximately \$242; the population is 23.2 million. More than 80 percent of the country's population support themselves through subsistence agriculture. Principal crops include rice, wheat, maize, jute, and potatoes. Tourism and the export of carpets and garments were the major sources of foreign exchange. Foreign aid accounted for more than half of the development budget. The economy was mixed, with 39 public sector firms. Seventeen former government firms have been privatized or liquidated since 1992, although the rate of privatization was slow.

The Government's human rights record remained poor, and it continued to commit numerous abuses. The security forces used unwarranted lethal force and continued to abuse detainees, using torture as punishment or to extract confessions. Impunity remained a problem. In the beginning of the state of emergency in November 2001 the Government stated that restrictions were targeted only at Maoist insurgents; however, the security forces were given broad latitude to arrest and detain individuals suspected of Maoist sympathies. The National Human Rights Commission (NHRC) investigated allegations of human rights violations and recommended compensation for victims and penalties for police officers who commit abuses. While the Government had begun to pay compensation to some victims, the police officers involved seldom were punished. The disappearance of persons

in custody was a problem. Prison conditions remained poor. The authorities used arbitrary arrest and detention. Following the state of emergency declaration, the King promulgated the Terrorist Ordinance that defined a number of crimes, including taking up arms against the sovereignty and security of the country, as acts of terrorism. The Ordinance also allowed the Government to declare individuals as terrorists and detain them for up to 90 days without charge; to hold persons under house arrest; and to set up special courts for terrorists. The King also promulgated a second order designating members of the Communist Party of Nepal (Maoists) and individuals involved with or assisting the Maoists as terrorists. After the expiration of the state of emergency on August 28, Maoist suspects were detained under the Terrorist and Destructive Activities Act, which was passed by Parliament on April 4. The Act allowed suspects to be detained without charge for up to 60 days and to be held in preventive detention for up to 90 days. The Act provides for immunity for members of the security forces or others who undertake "bona fide" actions to control terrorism. During the year, none of the cases filed against Maoist suspects under the special anti-terrorism legislation were tried. Lengthy pretrial detention, judicial susceptibility to political pressure and corruption, and long delays in trial procedures remained problems. The Government at times imposed some restrictions on freedom of expression, and the media practiced self-censorship. After the November 2001 declaration of the state of emergency, several journalists and other individuals working for Maoist-affiliated newspapers were arrested and the newspapers closed down. Freedom of assembly was one of the constitutional rights suspended after the declaration of emergency; however, the Government subsequently clarified that only rallies and demonstrations by Maoist-affiliated organizations were banned during the emergency. In practice, only a few mass meeting or rallies took place during the emergency. The Government restricted certain public celebrations by the Tibetan community. The Constitution imposes restrictions on proselytizing to spread religion. Women, persons with disabilities, and lower castes suffered from widespread discrimination. Violence against women, trafficking in women and girls for prostitution, and child labor also remained serious problems. There have been instances of forced child labor and forced labor in the past, but there were no cases reported during the year. Nepal was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

During the year, the Maoists increased the scope of their campaign, frequently committing torture, killings, bombings, forcibly conscripting children, and other abuses.

On February 21, the Government passed a law that prohibited the practice of bonded "Kamaiya" laborers, established district-level committees to supervise the rehabilitation of former Kamaiya laborers, and provided for fines and other judicial measures for employers who use Kamaiya labor. In March the Parliament passed a law allowing unmarried adult women equal rights to inherit property from their parents. In July the RNA created a human rights cell under its Adjutant General Department to investigate reports of human rights violations. During the year, the human rights cell conducted 8 investigations and in two cases, the soldiers involved were disciplined; however, no person faced a court martial.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The security forces continued to commit extrajudicial killings. The Terrorism and Destructive Activities Act passed by Parliament in April provides for immunity for members of the security forces or other who undertake "bona fide" actions to control terrorism. Unlike the previous year, there were no reports that police killed persons while trying to control violent demonstrations. According to Amnesty International (AI), some observers found the number of prisoners taken under battlefield conditions to be low and concluded that many Maoist fighters apparently were killed rather than taken prisoner.

Police also were responsible for deaths in custody. For example, on March 15 soldiers arrested Kancha Dongol in Kathmandu on suspicion of Maoist activities. An autopsy revealed he had been shot twice and was severely beaten. After an initial investigation, two soldiers were disciplined for dereliction of duty; further investigation into the incident by the RNA was pending at year's end. On March 27, police in Rayapur, Saptari shot and killed Ajabwal Yadav while in police custody, according to local NGO the Informal Sector Service Center (INSEC). On May 2, INSEC reported the custodial death of Sakur Manihar in Krishna Nagar, Kapilabastu. According to INSEC, some of his relatives believed he was beaten to death during his detention at the police station in Kapilabastu. On June 26, the local media reported that police in Kathmandu killed Krishna Sen, a Maoist Central Committee member and editor of the Maoist newspaper Jana Disha, while in police custody. According to a local human rights organization, Krishna Sen's body reportedly had been brought to a Kathmandu hospital by the police and then quickly taken for cremation. The Government officially denied the report and claimed that it had no information on Sen's arrest (see Section 2.a.). On August 4, police brought the body of Ram Hari Khadga, who had been arrested

earlier that day, to a hospital for an autopsy. According to the police report, Khadga died while he attempted to jump from a police vehicle while in motion. However, the autopsy found injuries to his back, upper and lower limbs, and head consistent with multiple blunt blows to the head. The autopsy determined Khadga likely had been beaten to death.

There were no developments in the following 2001 cases: The death of Bhadur Ale Magaar and Rita Banjara; the police killing of suspected Maoist Madan Shrestha; the death in custody of Kul Bahadur Malla, Chandra Jumari B.K., and Tika Kumari Khatri in Tatopani; the police killing of Prakash Ojha in Morang District; the police killing of Chandradip Yadav, Uttimlal Yadav, and Devkumar Yadav; the investigation of the police killing Bishnu Rai; the killing of Jit Bahadur Ghatri (see Section 1.c.); or the January 2001 killing of five robbery suspects in a jungle in Bara District.

On February 26, a member of the APF shot and killed a 14-year-old girl in Chaumala, Kailali. According to press reports, the APF member may have had a personal dispute with the girl's family. The APF arrested the member and turned him over to the police for investigation. At year's end, the policeman remained in jail awaiting trial.

Civilians continued to be killed by security forces. In most cases of unlawful or extrajudicial killings, the security forces claimed that the victims were members of the Maoists. For example, according to AI, on January 6, security forces killed 14-year-old Dalle Nepali in Pipaltari, Myagdi district, while he was trying to run away without making an attempt to arrest him. Security forces claimed the boy was a member of the Maoists who had been killed while trying to escape from a search operation. On February 26, soldiers shot and killed 32 laborers in Kalikot District. According to press and human rights reports, Maoists hid at the laborers' camp; however, they had reportedly fled by the time the Army arrived. A Ministry of Defense press release noted only that security forces killed 67 "Maoists" in Kalikot from February 22-25. A Royal Nepal Army (RNA) investigation concluded that the laborers killed were Maoist activists. On March 12, 10 members of the National People's Front, a left-wing political party, were summoned to an army camp in Bhingithe, Baglung District. Seven of the 10 persons were released, and the bodies of the remaining three were found by villagers the following day. The RNA said the three persons were Maoists who were killed while trying to escape. On July 22, RNA troops conducting a joint operation with police in Sarahawa, Bardiya, shot and killed 12-year-old Rupa Tharu. After conducting an investigation, the RNA recommended that her family be paid compensation for her death. On October 29, a joint police and RNA patrol in Pandusen, Bajura reportedly shot and killed Maoist suspect Padum Bahadur Shahi near a field where he was working with other family members. On November 27, RNA soldiers fired upon 5 boys returning after midnight from funeral rites for a relative in Nuwakot District. The five boys, ranging in age from 14 to 19, were killed. The local commander said the boys were approaching a security perimeter and failed to heed an order to halt. After an investigation was conducted into the incident, the RNA recommended that the boys' families be paid compensation for their deaths. In November five citizens attending a religious ceremony in Rolpa District were killed by gunshots fired from an RNA-manned helicopter. The RNA investigated the incident and found that the aircraft had been fired upon first, therefore no persons have been charged in connection with the killings. On December 4, RNA troops shot and killed nine persons, ranging in age from 14 to 23 who were celebrating a festival in Laximpur, Dang District. The RNA contended that the nine persons were Maoists. At year's end, there reportedly was no action taken against the responsible members of the RNA for the deaths.

During the year, the RNA investigated the 2001 incident of 16-year-old Jitendra Tharu and claimed that Tharu was killed in the crossfire between the police and Maoists. Another local human rights organization reported that RNA troops shot and killed 11 villagers holding a meeting in Dang District in November 2001. During the year, the RNA investigated the incident and determined that the army units were fired upon first.

There were no developments in the November 2001 killing of eight Maoists, four NGO employees, and a local civilian, or in the December 2001 death of Dil Bahadur Ram.

Unlike in previous years, there were no reports that police fired into crowds during the year. In May 2001, police fired into a crowd in Lamjung protesting government corruption, killing Shuk Man Gurung, the Khudi Village Development Chairman.

In September 2001, police in Parsa District in the south-central part of the country shot and killed one civilian while attempting to quell a riot between long-time residents of the lowland area and alleged Maoist migrants from the hills. The incident was under investigation by the Home Ministry at year's end.

In October 2001, police in Tulsipur, Dang District, shot into a crowd of violent rioters, killing a 25-year-old man and injuring nine others. The rioters were vandalizing and setting fire to buses in protest after a bus hit and killed two students.

The Appellate Court in Lalitpur was investigating the cases of five persons killed by police attempting to control violent riots at the end of December 2000 in Kathmandu. According to the Home Ministry, the Government has paid the families of the deceased slightly more than \$650 each (NRs 50,000) and fined the officers involved.

Police, armed personnel, insurgents, and noncombatants continue to be killed in the increasingly violent "People's War." Launched in 1996 by leaders Pushpa Kamal Dahal ("Prachanda") and Baburam Bhattarai, the "People's War" is a self-declared Maoist insurgency. The Government continued to commit human rights abuses in its efforts to combat the insurgency. Approximately 3,040 Maoists were killed by security forces during the year. Some of the deaths were believed to have been extrajudicial killings. In August 2001, the NHRC recommended disciplinary action against police officials responsible for ordering police to fire into a meeting of the Maoist-affiliated All Nepal Women's Association in Bharatpur in late 2000, killing one woman and injuring several others. The Commission also has recommended that the Government pay compensation of more than \$1,300 (NRs 100,000) to the family of the woman who was killed and lesser amounts to four of the injured.

Maoists were responsible for numerous abuses. Maoist rebels clashed with security forces repeatedly during the year. Police fatalities totaled 446; RNA fatalities totaled 204; and APF fatalities totaled 96 for the year. For example, on January 28, three policemen, including the Officer in Charge of the District, were killed when their vehicle hit a landmine in Kailali. On September 7, 49 policemen were killed by Maoists in a police post in Bhiman, Sindhuli. On September 8, 32 policemen were killed in a Maoist attack on district headquarters in Sandhikharkha, Arghakhanchi. On November 15, 33 policemen were killed in a Maoist attack on the district headquarter in Jumla.

On April 12, Maoists attacked an APF post in Satbariya, Dang, killing 37 members of the paramilitary force. On May 7, 17 APF members were killed in an attack in Gam, Rolpa.

On February 17, 55 RNA members were killed when Maoists attacked district headquarters in Mangelsen, Achham. On May 7, Maoists attacked a combined police/army post in Gam, Rolpa, killing 35 soldiers. On September 8, Maoists attacked a district headquarters in Sandhikharkha, Arghakhanchi, and killed 17 soldiers. On November 15, 4 soldiers were killed in a Maoist attack on district headquarters in Jumla.

Although their activities were focused on the security forces, the Maoists continued to kill and injure civilians and politicians. The insurgents killed 518 civilians during the year. For example, on January 16, Maoists abducted, shot, and killed schoolteacher and local AI Coordinator Mukti Nath Adhikari in Chandeshwor, Lamjung (see Section 4). On February 22, Maoists torched a bus and killed five persons in Bandhara, Chitwan, including an 8-year-old girl. On March 12, Village Development Chairman Ram Mani Gyawali was tortured and killed in Kerung, Arghakhanchi. On March 21, Maoists abducted and killed Lekhnath Gautam, a teacher and a local AI member. On May 31, the program director for the NGO Plan International, Ishwor Lal Joshi, was shot and killed in Baitadi District. On June 4, local Nepal Red Cross Vice President Dhruva Dev Acharya was shot and killed by Maoists in Devghat, Tanahun. According to AI, on July 9, 300 Maoists dragged all male villagers above age 15 from their homes in Banke district. The Maoists proceeded to beat 25 persons with clubs, rifle butts, and spears, after accusing them of handing over two Maoists to the police earlier in the day. Two men died after the beatings and several others were wounded severely. On August 16, Manohar Pratap Malla, the son of a former minister, was killed by Maoists in Dhanusha District. On November 9, a Nepali contract guard supervisor was shot and killed by Maoists in his home in Kathmandu. On November 14, Maoists killed Chakra Bahadur Dagaura, a UML member of parliament, in the western district of Kailali. The motive behind the killing remained unclear; however, family members claimed that Dagaura had refused to donate money to the militants.

Although their activities were focused on the Government, Maoists also used bombs on civilians. On March 2, a 16-year-old student was killed in a Maoist bomb blast at a school in Siddhikali, Sankhuwasabha. On September 16, Shiva Pariyar was killed by a bomb during a Maoist general strike in Hamja, Kaski. On November 8, a 14-year-old boy was killed in a Maoist bomb blast in Banepa, Kavre.

In December 2001, Maoists stabbed Nepali Congress activist Megh Bahadur Baniya to death in Chinnebas, Syangja District. In December 2001, two assailants claiming to be Maoists shot and killed Ramesh Manandhar, a plainclothes foreign Embassy guard, on duty in Kathmandu. In December 2001, a group of 15-20 Maoists in Dailekh District beat to death Janak Thapa. In December 2001, Maoists killed a primary school headmaster and a former President of the Village Development Committee in Gorkha District. In December 2001, Maoists shot and killed a 23-year-old man in Tara Khola, Baglung District.

The Government and the Maoists declared a ceasefire in July 2001 and held three rounds of talks in August, September, and November 2001. Following the third round of talks, the Maoists unilaterally broke the ceasefire in November 2001 with attacks on police, army, and APF personnel in several districts. The insurgency has resulted

in the deaths of an estimated 6,600 persons, including 954 policemen; 238 soldiers; 102 members of the APF; 858 civilians; and 4,444 insurgents.

In September 2001, several villagers beat to death 60-year-old Malechhiya Devi in Bela Ekdara, Mahottari District, on suspicion of witchcraft. One person has been jailed in connection with the case; four others absconded (see Section 5).

b. Disappearance

The disappearance of persons while in the custody of the security forces is a problem. On April 4, Parliament passed the Terrorist and Destructive Activities Act, which contains many of the same anti-terrorism features as the Ordinance, but without the accompanying restrictions on civil rights. According to the INSEC, 269 civilians have disappeared in government custody since 1996 and 32 have disappeared during the year. According to AI 66 persons have disappeared in government custody during the year. According to AI, on July 2, Som Bahadur Ghale Tamang, General Secretary of the Tamang Indigenous People's Organization, disappeared after he reportedly was arrested by members of the APF in his home in Kathmandu. The previous day he had participated in a peaceful march for indigenous rights in Kathmandu.

On June 11, Khim Lal Devkota, a member of the Nepal Bar Association, was arrested at his law firm in Kathmandu. After the police and the Army denied having detained Devkota, a habeas corpus petition was filed with the Supreme Court by his wife on June 18. Devkota was released from detention after the Supreme Court ordered his release September 24.

According to AI, on July 15, Bishnu Prasad Gyawali was arrested by soldiers from his shop in Fulbari, Kailali District. Authorities claim that Gyawali was arrested on suspicion of having supplied food to the Maoists. Authorities have acknowledged his detainment; however, they have given no information about his whereabouts or allowed his family to visit him.

On July 29, Bishnu Pukar Shrestha, a teacher and a member of the Maoists' Joint Revolutionary Council, reportedly was arrested from his Kathmandu home by plainclothes security personnel. He subsequently was released on December 16 (see Section 4). According to local press reports, on August 19, security forces arrested Tendi Sherpa, advisor to the Nepal Sherpa Students' Forum and president of a local unit of the All Nepal National Free Students' Union. The police and the Army maintain that they have no knowledge of the whereabouts of Tendi Sherpa.

There were no developments in the disappearances of Shiva Prasad Sharma in February 2001, and Dinesh Sharma in November 2000.

Police statistics indicate that the Maoists have abducted 227 policemen since 1996. During the year, 6 of the 227 remained missing. On July 13, 2001 Maoists surrounded a police post in Rolpa in the west, taking dozens of policemen hostage. The Army subsequently confronted the insurgents, and a standoff ensued. Representatives of human rights groups who arrived in Rolpa within days to mediate state that the Maoists released 22 of the police hostages at that time, and may have released more thereafter. Since no hostages were handed over directly to the Government, the Government cannot confirm those releases. In September 2001, the Maoists released 5 policemen previously captured in Banke, and in 2001 released 17 of those captured in Rolpa to the International Committee of the Red Cross (ICRC). In October 2001, Maoists released an additional eight policemen to the ICRC. According to the Home Ministry, all of the police originally missing from Rolpa have been accounted for.

According to the Government, the Maoists have abducted 968 civilians since 1996. INSEC reported that Maoists abducted 132 persons during the year and that at year's end 470 civilians remained missing since the beginning of the insurgency in 1996. On May 7, Maoists kidnaped Om Kumar Amoli, a high school principal, and Bhakti Devkota, a teacher, in Putu, Surkhet. On May 15, Maoists kidnaped Narayan Prasad Subedi, General Secretary of the Nepal Red Cross in Rolpa District. On September 19, Maoists abducted approximately 200 persons, including students and teachers from a village in Ramechhap District. The students ranged in age from 12 to 16. According to the Ramechhap CDO, the hostages were taken to a nearby town and released later in the day. In July 2001, Maoists kidnaped former Nepali Congress MP and Bajura District Development Chairman Dev Raj Joshi. He was released September 2001. In September 2001, Maoists abducted two members of the Chaughada Village Development Committee in Nuwakot. One escaped the following day and the other was released within 48 hours, but claimed he had been beaten during his detention.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and the Civil Code prohibits acts such as beating and mutilation; however, security forces at times used torture and beatings to punish suspects or to extract confessions. According to AI, torture methods included rape, boxing of the ears, beating of the feet, and the rolling of weights over the thighs. AI noted that torture apparently was used to intimidate or punish detainees and to extract information and/or confessions, and that torture often occurred while detainees were held incommunicado and unable to contact family members, doctors, or lawyers (see Section 1.d.). The Government sometimes failed to conduct thorough and independent investigations of reports of security force brutality and generally did not take significant disciplinary action against officers involved.

Members of the security forces often were unwilling to investigate and to discipline fellow officers, and persons were afraid to bring cases against the police or Army for fear of reprisals. The Government provides human rights education for the police force, and soldiers receive human rights education as part of their regular training.

The Constitution and the Torture Compensation Act provide for compensation for victims of torture. According to the Center for Victims of Torture (CVICT), 7 persons filed for compensation under the act during the year, compared to 7 claims during 2001. CVICT said that one new case was awarded compensation during the year.

On May 7, security forces arrested Bharat Khadga on suspicion of being a Maoist in Chitwan. Khadga, who worked for a local NGO, was administered electric shocks while in custody. He was released on May 9. A complaint was filed with the Royal Nepal Army, which conducted an investigation. The Government said that one of the officers involved in the incident was forced into early retirement and the other officer was barred from taking a staff college entrance examination.

On May 30, security forces arrested Indra Kumar Acharya and his 19-year-old daughter Yuvati on suspicion of being a Maoist in Liwang, Rolpa. According to INSEC, Yuvati was beaten during interrogation and her father stripped, stepped on, hanged upside down, and tortured. Both were released on June 2.

According to INSEC, on June 12, police arrested 16-year-old Chetkana Adhikary in Banke District on theft charges. After his release, the boy's father filed a complaint with the Alliance for Human Rights and Social Justice. The father alleged that the boy was beaten while in custody with batons and tire tubes, and tortured with bamboo rollers. At year's end, no action has been taken on the complaint.

According to AI, in April two RNA officers raped two teenaged girls at an Army barracks in Nepalganj, Bank District. After the December 19 publication of the AI report recounting the incident, the girls and their families recanted, and denied that the rapes occurred. Human rights groups suspected the girls recanted under pressure and further investigation of the incident by the RNA was pending at year's end.

On July 16, a woman was abducted from her teashop by five members of the paramilitary APF in Mahottari District. According to CVICT, the woman was gangraped and beaten. When the woman brought the case to the District Police Office, the office refused to accept her rape complaint because the 35-day deadline between the incident and her filing date had expired. By year's end, the case was refiled in the district court.

According to CVICT, on July 22, Krishna Lohani B.K. was arrested in Dharan, Sunsari District, and reportedly tortured by police. Upon her release, CVICT filed a torture compensation case; however, by year's end no action was taken. On October 24, Krishna Lohani's husband, Ram Bahadur B.K., was arrested and reportedly tortured by police. He was released in December. At year's end, no action was taken against the members of the police involved in the case of Ram Bahadur B.K.

The law prohibits trafficking in persons and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and girls remained a serious problem in several of the country's poorest areas, and border guards commonly accepted bribes from traffickers (see Section 6.f.).

In May 2001, four persons filed a torture compensation case, claiming they were beaten during their detention on criminal charges in Jhapa District. In June 2001, five members of a family who had come to the Chief District Office in Nepalgunj to obtain citizenship certificates were detained for 2 days as suspected Maoists. At least two of the five claimed they were beaten while in police custody.

AI conducted an official visit to the country from September 9 to 23. As a result of that visit, AI recorded many persons testimony of torture by all arms of the security forces. In November 2000, AI recommended amendments to the Torture Compensation Act, including changes to the Penal Code that would make torture a specific offense under criminal law. The Government has taken no action on suggested changes to the law. Human rights groups have reported instances of torture in areas affected by the "People's War."

Local and international human rights groups also have documented Maoist violence in areas affected by the "People's War," including the severing of limbs. The Maoists most often have targeted political leaders, local elites, teachers, local-level civil servants, and suspected informers. These targets included not only members of the majority Nepali Congress Party (NCP), but also members of the opposition Communist Party of Nepal-United Marxist/Leninist (CPN-UML). According to the Government, human rights groups, and the media, Maoists conscripted civilians, including children, into service and have used abducted civilians as human shields during attacks on army and police posts (see Section 5).

Throughout the year, Maoists looted banks and bombed or set fire to government offices and homes of local political leaders. International nongovernmental organization (NGO) offices also were attacked on several occasions, as were schools, businesses, infrastructure, and factories. At year's end, Maoists destroyed approximately one-third of the Village Development Committee buildings throughout the country. On March 30, Maoists attacked a hydroelectric plant in Jhimruk, Pyuthan and left three districts without electricity. On April 23, Maoists hijacked three Nepal Red Cross ambulances on the Dhading/Chitwan border. On May 17, Maoists detonated a bomb at an INGO-funded orphanage and boarding school in Surkhet District (see Section 1.a.). On August 8, Maoists detonated a bomb at a private business college in Kathmandu.

There also were cases of intimidation, torture, or other degrading treatment. On February 18, five Maoists armed with guns and knives attacked a 55-year-old gas station owner in Chitwan District. The armed Maoists stabbed him in the back, head, and hands, chopping off one of his fingers. His son was shot and killed in the attack. On April 5, Maoists abducted journalist Demling Lama from his home in Sindhupalchowk district. Lama, who managed to escape after a few days, said he was severely tortured while in Maoist custody (see Section 2.a.). According to INSEC, on June 23, Maoists abducted Ramesh Prasad Neupane of Kumari, Nuwakot District and tortured him for 3 days before he was allowed to return home.

According to the press, in September 2001, a Maoist cadre in the local "people's government" in Nuwakot district raped a 12-year-old girl. Government and opposition members of parliament demanded that the Maoist leadership take action against the suspect. According to press reports, a Maoist "people's court" convicted the suspect and decided he should be beaten. This sentence reportedly was carried out at the end of September 2001.

Prison conditions were poor. Overcrowding was common in prisons, and authorities sometimes handcuff or fetter detainees. According to the Department of Prisons, there were 6,877 persons in jail, of which approximately 50 percent were awaiting trial. Women normally were incarcerated separately from men, but in similar conditions.

Due to a lack of adequate juvenile detention facilities, children sometimes were incarcerated with adults, either with an incarcerated parent, or as criminal offenders. In November 2001, the Government began transferring children detained in jail to two residential facilities that provide education in accord with a provision in the 1992 Children's Act. By year's end, 28 dependent children of inmates and 8 juvenile offenders had moved into the residential facilities and begun school. Unlike in previous years, there were no reports of children in jail or custody as suspected or convicted criminals; however, there were reports of children held under the anti-terrorist laws as suspected Maoists (see Section 5). On December 17 the Supreme Court ordered the release of 16-year-old Diwakar Adhikari, who had been held in prison since December 2001, as a suspected Maoist. He subsequently was released by the police.

According to INSEC, in November 2001, Jit Bahadur Ghatri was arrested by the RNA in Dang District. He subsequently died in the hospital on November 30, 2001. The cause of his death was unknown.

In 2000 the Government established separate juvenile benches in district courts where youth are tried. As a result, trials of persons under the age of 18 now occur in a separate room in the courthouse, though there are no separate juvenile courts as such.

The authorities are more likely to transfer sick prisoners to hospitals than they were in the past. However, due to the inadequacy of appropriate facilities, the authorities sometimes place mentally ill prisoners in jails under inhumane conditions.

The Government permits local human rights groups and the ICRC to visit prisons. During the year, the ICRC conducted 97 visits to 38 police stations and 59 jails nationwide. The ICRC registered 1,674 new detainees in 42 out of the country's 75 districts. According to the ICRC, it "will continue to seek access" to detainees in army custody.

d. Arbitrary Arrest, Detention, or Exile

The Constitution stipulates that the authorities must arraign or release a suspect within 24 hours of arrest, but the police at times violated this provision. Under the law, the police must obtain warrants for an arrest unless a person is caught in the act of committing a crime. For many offenses, the case must be filed in court within 7 days of arrest. If the court upholds the detention, the law authorizes the police to hold the suspect for 25 days to complete their investigation, with a possible extension of 7 days. However, the police occasionally held prisoners longer. The Supreme Court has, in some cases, ordered the release of detainees held longer than 24 hours without a court appearance. Some foreigners, including refugees, have reported difficulty in obtaining bail.

Detainees have the legal right to receive visits by family members, and they are permitted access to lawyers once authorities file charges. In practice the police grant access to prisoners on a basis that varies from prison to prison; however, Maoist suspects often were denied visits from family members and lawyers. There was a system of bail, but bonds were too expensive for most citizens. Due to court backlogs, a slow appeals process, and poor access to legal representation, pretrial detention often exceeded the period to which persons subsequently were sentenced after a trial and conviction.

Under the Public Security Act, the authorities may detain persons who allegedly threaten domestic security and tranquility, amicable relations with other countries, or relations between citizens of different classes or religions. Persons whom the Government detained under the Act were considered to be in preventive detention and could be held for up to 6 months without being charged with a crime. The authorities may extend periods of detention after submitting written notices to the Home Ministry. The police must notify the district court of the detention within 24 hours, and it may order an additional 6 months of detention before authorities file official charges. Human rights groups allege that the police have used arbitrary arrest and detention during the "People's War" to intimidate communities considered sympathetic to the Maoists.

Under the state of emergency, which remained in effect from November 26, 2001 to August 28, the security forces were allowed to detain persons without charge for 90 days, with the possibility of another 90-day extension from the Home Ministry. Detainees arrested on suspicion of terrorism under the state of emergency are not guaranteed the right to counsel or family visits. Under the Terrorism and Destructive Activities Act passed by Parliament on April 4, suspects must appear before a court within 60 days after their arrest. The suspects may be held in preventive detention for up to 90 days; however, in practice many suspects were held much longer. According to government sources, 6,075 suspected Maoists have been arrested during the year. Of that number, authorities plan to file cases against 5,465 and 610 remain under investigation. At year's end, none of the cases have been tried. Figures for the number of persons being detained by the Army who are suspected of being Maoist were unavailable by year's end. For example, on March 3, Gopal Budhatoki, editor of Sanghu, was detained by the RNA because he had published a "seditious" article on the RNA; Budhatoki was released on March 26.

Other laws, including the Public Offenses Act, permit arbitrary detention. This act and its many amendments cover crimes such as disturbing the peace, vandalism, rioting, and fighting. Human rights monitors expressed concern that the act vests too much discretionary power in the CDO, the highest-ranking civil servant in each of the country's 75 districts. The act authorized the CDO to order detentions, to issue search warrants, and to specify fines and other punishments for misdemeanors without judicial review. Few recent instances of the use of the Public Offenses Act have been reported, since it has become more common to arrest persons under the Terrorism and Destructive Activities Act, particularly Maoists. In 2000 local authorities in Biratnagar arrested Laxmi Mudbari, the central member of the Maoist-affiliated All Nepal Women's Association (Revolutionary), under the act; Mudbari remained incarcerated at year's end. Human rights commission officials reported several other cases of arrests or detentions under the Public Offenses Act, but were unable to provide details of the cases.

Unlike in previous years, there were no reports of police re-arresting persons on court premises immediately following their release by the courts.

Authorities detained journalists and their advocates on occasion, on suspicion of having ties to or sympathy for the Maoists (see Section 2.a.). According to INSEC, 123 Nepali journalists have been arrested or detained under the Terrorist and Destructive Activities Ordinance. At year's end, 24 journalists were in government detention and 2 remained in Maoist detention.

There were no reports of political detainees.

The Constitution prohibits exile and it is not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, lower level courts remain vulnerable to political pressure, and bribery of judges and court staff is endemic. The Supreme Court has the right to review the constitutionality of legislation passed by Parliament. In the past it has ruled that provisions in the Labor Act and in the Nepal Citizenship Act are unconstitutional. The Court also decided that the dissolution of the Parliament at the request of a former Prime Minister was unconstitutional, and ordered the legislature restored. In September 2001, the Court found Prime Minister Deuba's decision to freeze land sales unconstitutional.

Appellate and district courts have become increasingly independent, although sometimes they remained susceptible to political pressures. In Rolpa, one of the districts most affected by the "People's War," human rights groups have accused the district courts of acting in complicity with CDOs in violating detainees' rights. Human rights groups alleged that arrest without a warrant, prolonged detention without trial, and police torture occurred in Maoist-affected areas.

The judicial system consists of three levels: District Courts, Appellate Courts, and the Supreme Court. The King appoints judges on the recommendation of the Judicial Council, a constitutional body chaired by the Chief Justice. The Council also was responsible for the assignment of judges, disciplinary action, and other administrative matters. Judges decide cases; there was no jury system. In December 2000, the Government established a Special Court with jurisdiction to hear cases related to narcotics trafficking; trafficking in women and girls; crimes against the state; and crimes related to foreign currency, such as counterfeiting and money laundering.

Delays in the administration of justice were a severe problem. According to the latest statistics, the Supreme Court had a backlog of 16,654 cases; the appellate courts 11,235; and district courts 31,005. Under the state of emergency, the right to constitutional remedy (except habeas corpus) was suspended, and the Supreme Court temporarily suspended accepting new civil rights cases. By year's end, seventeen cases have been filed in Appellate Courts against suspected Maoists arrested under special anti-terrorism laws; however, none of these cases have been brought to trial.

The Constitution provides for the right to counsel, equal protection under the law, protection from double jeopardy, protection from retroactive application of the law, and public trials, except in some security and customs cases. All lower court decisions, including acquittals, were subject to appeal. The Supreme Court was the court of last appeal, but the King may grant pardons. The King also can suspend, commute, or remit any sentence. On the recommendation of the Government, the King often pardons up to 12 prisoners on national holidays, if they have served 75 percent of their sentence and shown good behavior.

Although prisoners have a constitutional right to legal representation and a court appointed lawyer, a government lawyer or access to private attorneys was provided only on request. Consequently, those persons unaware of their rights may be deprived of legal representation. Suspects detained under the Terrorism and Destructive Activities Act often are denied access to both attorneys and family members.

There have been reports of cases in which authorities allegedly penalized attorneys involved in the defense of human rights. According to INSEC, seven attorneys were arrested for suspected Maoism since the beginning of the state of emergency on November 26, 2001. On March 12, Saligram Sapkota, a member of the Nepal Bar Association, was arrested in Nepalgunj, Banke District by the security forces. His wife reported bruises on Sapkota's face and marks on his leg and thigh. He was released on June 14. According to AI, on March 14, Ramnath Mainali, a member of the Nepal Bar Association, was arrested in Kathmandu. Mainali was the legal advisor for the Maoist affiliated publication Janadesh Weekly and had filed a habeas corpus petition for one of the publication's editors. Mainali was released on July 10.

Military courts adjudicate cases concerning military personnel, who are immune from prosecution in civilian courts. Military courts do not try civilians for crimes involving the military services.

The authorities may prosecute terrorism or treason cases under the Treason Act. Specially constituted tribunals hear these trials in closed sessions. No such trials have occurred during the past 6 years.

In districts where Maoists have gained effective control, the insurgents have set up "people's courts." Although these courts generally decide civil cases, in 2001 eight policemen who surrendered in Dailekh were reportedly found guilty of crimes against the people by a hastily constituted "people's court" and summarily were executed.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary interference with privacy, family, home or correspondence; however, under the state of emergency, security forces were allowed the right to search homes, vehicles, and places of business without a search warrant. Search warrants were required before searches and seizures may be carried out, except in cases involving suspected security and narcotics violations. The law empowers the police to issue warrants for searches and seizures in criminal cases upon receipt of information about criminal activities. Within 24 hours of their issuance, warrants in misdemeanor cases must be approved by the CDO. Court judges must approve them in felony cases. Following renewed violence in November 2001 the King declared a state of emergency nationwide, in which many constitutional rights, including the right to privacy, were suspended. Under the Terrorism and Destructive Activities Act, the security forces may conduct searches as long as they inform the subject of the search "in advance." Since that time travelers have been stopped and subjected to vehicle and body searches by security personnel at roadblocks in many areas of the country.

Government provisions permitted discrimination in employment on the basis of political opinion; however, such discrimination was not known to occur.

The Government continued to provide food relief through the Nepal Food Corporation to needy citizens, including those in areas controlled by the Maoists. The Government delivered food rations to District Development Offices for distribution.

Military commanders in some conflict areas prohibited some medical items and blockaded food shipments. The Government maintained that such incidents occurred at the direction of individual commanders and was not a governmental policy.

Maoist commanders in certain areas also reportedly blockaded food and medical supplies and impeded the delivery of health care services by interdicting travel by health workers and by confiscating supplies.

Section 2 Respect For Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution specifies that all citizens shall have freedom of thought and expression and that the Government may not censor any news item or other reading material; however, the Government imposed restrictions on these rights. The Constitution prohibits speech and writing that would threaten the sovereignty and integrity of the Kingdom; disturb the harmonious relations among persons of different castes or communities; promote sedition, defamation, contempt of court, or crime; or contradict decent public behavior or morality.

In November 2001, King Gyanendra declared a state of national emergency which lasted until August 28. According to the Constitution, several civil rights, including freedom of expression, may be curtailed for the duration of the state of emergency. The Government announced that restrictions under the emergency were intended to target the Maoists and not the general population; however, journalists and editors of several mainstream publications were detained during the emergency. Several journalists and editors of Maoist-affiliated newspapers also were detained and their newspaper offices closed after the emergency was announced. Government authorities also requested the press in general not to run stories favorably portraying the Maoists. Approximately 100 journalists had been detained for varying amounts of time since the beginning of the state of emergency. By year's end, 24 journalists and 9 other employees of newspapers continued to be detained. On March 3, Gopal Budathoki, editor and publisher of the Sanghu Weekly was abducted from his home by plainclothes security forces. On March 6, former-Prime Minister Deuba defended Budathoki's arrest, stating that Budathoki's paper had published articles detrimental to the morale of the army. He was released from custody on March 26. On March 16, Shyam Shrestha, editor of the monthly publication Mulyankan was detained, along with two human rights activists, by security forces at Tribhuvan International Airport. He was released from detention on March 26. According to the Committee to Protect Journalists (CPJ) on November 12, police detained Tikaram Rai, editor of the Nepali-language daily Aparanaha. He was released on November 14. On November 29, Journalists and human rights activists filed a petition in court claiming compensation for illegal detention and severe torture during the state of emergency. By year's end, there had been no further developments in this petition.

The Press and Publications Act provides for the licensing of publications and the granting of credentials to journalists. The act also includes penalties for violating these requirements. In addition, the act prohibits publication of material that, among other things, promotes disrespect toward the King or the royal family; that undermines security, peace, order, the dignity of the King, or the integrity or sovereignty of the Kingdom; that creates animosity among persons of different castes and religions; or that adversely affects the good conduct or morality of the public. The act also provides a basis for banning foreign publications; however, foreign publications were widely

available.

There were hundreds of independent vernacular and English-language newspapers available, representing various political points of view. The Government owns "Gorkhapatra," a Nepali-language daily, and "The Rising Nepal," the largest English-language daily. Editors and writers at government newspapers practiced self-censorship and generally reflected government policy. Editors and writers at some private newspapers practice self-censorship as well. Ruling political parties have influenced the editorial policy of the government newspapers to their advantage. Views of human rights groups, the statements of the police, and the press releases of Maoist leaders were reported in the press prior to the imposition of the state of emergency and after its expiration.

Some journalists and their advocates have suffered human rights abuses. In March 2001, the Supreme Court issued a writ of habeas corpus releasing Krishna Sen from jail (see Section 1.a.). He was arrested in 1999 in connection with the publication of an interview with a Maoist leader. Sen immediately was rearrested and moved to another jail in Mahottari District. Sen told the press that police forced him to sign an acknowledgement of his release even though he still was in police custody. Following protests from journalists across the country, Sen was released March 14, 2001. In May, local newspaper Jana Astha reported that Krishna Sen, editor of the daily Janadisha, was re-arrested and killed in custody. The Government denied the claim. No investigation into Krishna's death was initiated by year's end. There were no developments in the case of the January 2000 killing of Shambhu Prasad Patel.

The Broadcast Act allows private television and FM radio broadcasts, but implementation of the Act has been slow. The Government owned one television station, and controlled one radio station that broadcasts both AM and FM signals. Radio, primarily short and medium waves, reaches the greatest number of persons and has the largest influence. Government-owned Radio Nepal broadcasts throughout the country through a series of repeater stations. With privatization of a number of radio bands, there has been a marked increase in the range of programming options available. In January 2001, the Government issued a circular to private radio stations in the country reiterating a previous but little-enforced ban on the collection and broadcast by independent radio stations of news other than that provided by Radio Nepal. In July 2001, the Supreme Court annulled the Government's order. As a result, privately owned FM stations can broadcast their own independently collected news but also must broadcast Radio Nepal news at least once daily. The Government does not restrict access to foreign radio broadcasts, private cable networks, or to the purchase of television satellite dishes. Indian, Chinese, and Pakistani broadcast television also was readily available in many parts of the country.

Two private cable television networks operated in the Kathmandu Valley. They mainly provided entertainment programming, but commentary critical of government policies occasionally occurred during publicly broadcast discussion programs. An additional two private operators were granted licenses; however, the two operators have not begun broadcasting. Throughout the country, local entrepreneurs also received international stations via satellite for viewing in local bars, and resold the signal to local residents. Television time on the government-owned television station also was leased to private producers. In addition to the state-owned television station, two private television stations were licensed to produce and broadcast programs. One of those stations broadcasted through leased time slots on Television Nepal; the other through a Thai company's satellite.

During the year the Government expanded to 25 the number of private FM broadcasting licenses; 20 were operating. Private stations must broadcast the Government station's news program but also were permitted to rebroadcast news from abroad. Private radio stations, like print media, practiced self-censorship.

There have been many debates about liberalizing the media and privatizing government-owned media. This debate has put pressure, which successive governments so far have resisted, to open the airwaves and divest government-controlled printing operations. However, private FM radio and cable and satellite television have overtaken the Government's ability to regulate them.

The Government licensed 15 companies for Internet and e-mail services.

There were no government efforts to curtail academic freedom during the year; however, security forces killed 4 teachers as suspected Maoists during the year.

The Maoists did not tolerate freedom of expression. They tightly restricted the print and broadcast media under its control. The Maoists killed some of those reporting and publishing on human rights. On April 5, Maoists abducted Demling Lama, a correspondent for Radio Nepal and the Himalaya Times, from his home in Sindhupalchowk District. He reportedly was tortured while in custody. He escaped and reported the incident to the police and the press (see Section 1.c.). On August 20, Maoists killed Nawaraj Sharma, editor of the Karnali Sandesh, in Kalikot

District. On December 11, Maoists abducted and killed Ambika Timilsena, a former reporter for the Maoist-affiliated newspaper Janadesh. On April 29, Maoists destroyed the transmitting station of the state-owned Radio Nepal in Guaridana, Mahottari District.

Maoist groups extorted money from private schools and teachers and sometimes inflicted punishment on school officials. Threats and intimidation from Maoist-affiliated All Nepal National Independent Student Union (Revolutionary) (ANNISU-R) succeeded in closing down more than 200 private schools, primarily in areas most heavily affected by Maoist activities. Two private schools in Kathmandu remain closed, one permanently. The ANNISU-R demanded, often violently, the halving of tuition, curriculum changes, and the banning of the singing of the national anthem. The Maoists have killed 40 teachers since the beginning of the insurgency in 1996 and have destroyed 25 school buildings. Teachers in Maoist-affected areas reported regular threats and extortion demands from the Maoists. The Department of Education estimated that 3,000 teachers have been displaced, beaten, or killed by Maoists since 1996. On February 23; March 4-5; April 23-27; September 16; and on October 1-2, Maoists enforced strikes that effectively closed down nearly all public and private schools across the nation. On December 9-22 the Maoists enforced a strike that closed private schools in the Kathmandu Valley. On May 11, Maoists set on fire the Mahendra Sanskrit University in Dang District and destroyed the facility. On May 17, Maoists set off a bomb at an NGO-funded orphanage and private school in Surkhet District.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association; however, the Government restricted these rights on vague grounds, such as undermining the sovereignty and integrity of the State or disturbing law and order. Freedom of assembly was one of the civil rights suspended under the state of emergency. The Government required that organizers apply for permits for public rallies and demonstrations. Except for the duration of the state of emergency, large public demonstrations were common, and police intervention was rare except in cases where crowds became violent or violated the terms of their parade permit. Local authorities in Kathmandu halted a number of public celebrations by the Tibetan community throughout the year. Police in Kathmandu prevented a Tibetan cultural program in honor of the thirteenth birthday of the eleventh Panchen Lama on April 28. In 2001 local authorities in Boudhanath, Kathmandu, halted the performance of a traditional dance scheduled to be performed during the 6-day celebration of the Tibetan New Year.

In September 2001, the Kathmandu Chief District Officer imposed a 1-month ban on all public meetings in anticipation of a massive Maoist rally to be held in September 2001. The Government rescinded the ban in September 2001, after the Maoists agreed to cancel the march.

In December 2000, police stopped a procession of Tibetan school children, monks, and others on their way to Swyambounath Temple in Kathmandu to celebrate the Dalai Lama's fiftieth anniversary of his assumption of state responsibility. No injuries were reported.

c. Freedom of Religion

The Constitution provides for freedom of religion and permits the practice of all religions; however, proselytizing was prohibited and punishable with fines or imprisonment, and members of minority religions occasionally complained of police harassment. Some Christian groups were concerned that the ban on proselytizing limited the expression of non-Hindu religious belief. The Constitution describes the country as a "Hindu Kingdom," although it does not establish Hinduism as the state religion.

The Press and Publications Act prohibits the publication of materials that create animosity among persons of different castes or religions. On January 31, the Government ordered Muslim religious schools to register with the local District Administration Officers. The schools had to supply information about their funding sources in order to continue operation. Some Muslim leaders criticized the move as discriminatory.

A conviction for conversion or proselytizing can result in fines or imprisonment or, in the case of foreigners, expulsion from the country. Arrests or detentions for proselytizing were rare, and there have been few incidents of punishment or investigation in connection with conversion or proselytizing during the last few years. However, the Government on occasion investigated reports of proselytizing. Nongovernmental groups or individuals were free to file charges of proselytizing against individuals or organizations. A 1999 case was filed with the Supreme Court against the Adventist Development and Relief Agency and the United Missions to Nepal, an umbrella Protestant NGO; however, it was dismissed by the Court on August 16.

Some Christian groups reported that Hindu fundamentalism has increased in the past few years. In 1999 the India-

based Hindu political party Shiv Sena, locally known as Pashupati Sena, opened an office in Kathmandu; a few Shiv Sena candidates unsuccessfully ran for office in the 1999 general elections.

Government policy does not support religious extremism, although some political figures have made public statements critical of Christian missionary activities.

Some citizens were wary of proselytizing and conversion by Christians and, therefore, viewed the presence of Christianity with alarm. Two representatives of different Christian organizations also have alleged oppression of Christians and destruction of at least two churches by Maoist sympathizers.

The caste system strongly influences society, even though it was prohibited by the Constitution. Caste discrimination was widely practiced at Hindu temples where, for example, members of the lowest castes were not permitted to enter. Otherwise, the Government made an effort to protect the rights of the disadvantaged castes.

In August 2001, the Prime Minister made a speech emphasizing that caste-based discrimination, including barring access to temples, is illegal. Since then, members of the lower castes have successfully and publicly entered many temples, including Pashupatinath, the national site most sacred to Hindus.

For a more detailed discussion see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for freedom of movement and residence, and the Government generally does not restrict travel abroad. However, for security reasons, the Government restricted travel by foreigners, including Tibetan residents, to some areas near the Chinese border. The Government also has imposed restrictions on women's travel to the Gulf states to work as domestic servants, in response to cases of abuse of such women in the past. These restrictions do not apply to women who were traveling to the Gulf states for other reasons, nor do they apply to travel to other areas. Women's rights groups have protested the ban; however, in September 2001, the Supreme Court dismissed a case challenging the restriction as discriminatory. The Government allowed citizens abroad to return, and was not known to revoke citizenship for political reasons.

The Government has no official refugee policy. However, it does provide asylum for refugees and has cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees from Bhutan and Tibet. The UNHCR maintains an office in Kathmandu. Since 1959 the Government has accepted as residents approximately 20,000 Tibetan refugees, many of whom still reside in the country. Since 1991 it also has provided asylum to approximately 101,000 persons who claim Bhutanese citizenship. The great majority of these refugees live in UNHCR administered camps in the eastern part of the country. An additional 15,000 refugees reside outside the camps in either the country or India. The total represents approximately one-sixth of Bhutan's estimated pre-1991 population. Since the flight of the Karmapa Lama from Tibet in January 2000, the Government has disallowed UNHCR access to the Nepal-China border to monitor the treatment of Tibetan refugees. In September 2001, the Government authorized UNHCR to travel to the headquarters of a border district, but not the border itself, to consult with local officials.

The People's Republic of China and the Government tightened control of movement across their border in 1986, but neither side has consistently enforced those restrictions. Police and customs officials occasionally harass Tibetan asylum seekers who cross the border from China. According to the UNHCR, police conduct in this regard has improved since 1999, although border police sometimes extort money from Tibetans in exchange for passage. There were reports of the forced repatriation of Tibetan asylum seekers during the year; however, poor communication with the border has made it difficult to confirm. There are credible reports that Tibetan asylum seekers are sometimes handed back to Chinese authorities even after crossing the border.

In March 2001, 18 Tibetans arrested for entering the country from India without proper travel documents were released after serving 4 months in prison. The individuals were turned over to UNHCR, which labeled them "persons of concern" and returned them to India. In August 2001, 10 Tibetans previously resident in India were arrested in Kathmandu for failure to possess required travel documents, and were convicted of immigration violations. An 11th Tibetan, arrested in June 2000, also is currently serving a prison term for failure to pay immigration fines. On February 19, one of the detainees gave birth in jail. The infant remained incarcerated with its mother until she was released following payment of her fines by a foreign philanthropist in August. By year's end, three of the original Tibetans arrested were released; however, on December 13, three more Tibetans who had entered Nepal without documents were detained in Kathmandu.

The UNHCR monitored the condition of Bhutanese refugees and provided for their basic needs. The Government accepted the refugee presence as temporary on humanitarian grounds. The camps were administered by UNHCR; the World Food Program (WFP) provides sustenance and the Government made a contribution to the WFP earmarked for the refugees. U.N. officials, diplomats and NGO representative visitors to the camps had described conditions as generally very good, largely as a result of efficient UNHCR administration, conscientious government oversight and the refugees taking responsibility for their surroundings. However, there were reports by refugee women and children that some of the Bhutanese refugee workers at the camps had committed sexual assault. The Government responded by providing more police protection to the camp and UNHCR began an investigation. The Government officially restricted refugee freedom of movement and work, but did not strictly enforce its policies. Local authorities have attempted to restrict some of the limited economic activity in the camps permitted by the central Government. Violence sometimes has broken out between camp residents and the surrounding local population. The UNHCR and other donors and relief organizations have defused tensions through an assistance plan for refugee-affected areas aimed at improving conditions in communities adjacent to the camps.

In 1994 the Government and the Government of Bhutan formed a joint committee and began bilateral talks to resolve the refugee problem. During the tenth round of bilateral talks in December 2000, they agreed on preparations for verification at the camps. Verification interviews at the first refugee camp commenced in March 2001 and concluded in December 2001. No further verification has taken place since then. Bilateral negotiations on repatriation issues in November 2001 failed to arrive at an agreement, and the matter was deferred to a proposed future session of ministerial-level talks. The talks' earlier lack of progress frustrated refugees, and some held "peace marches" to protest their plight.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have the right to change their government peacefully. Citizens, through their elected representatives, also have the right to amend the Constitution with the exception of certain basic principles that they may not change--sovereignty vested in the people, the multiparty system, fundamental rights, and the constitutional monarchy.

The country is a constitutional monarchy with a parliamentary form of government. Parliamentary elections are scheduled at least every 5 years. Midterm elections may be called if the ruling party loses its majority, loses a vote of no confidence, or calls for elections. On May 22, Prime Minister Sher Bahadur Deuba asked King Gyanendra to dissolve Parliament and schedule mid-term elections for November 13. On October 3, the Prime Minister asked the King to delay polls until November 2003 because of Maoist threats to disrupt the elections with violence. On October 4, the King dismissed Deuba's caretaker government for its failure to hold elections within the constitutionally mandated period; temporarily assumed executive powers; postponed elections indefinitely; and invited all mainstream political parties to nominate members of a new caretaker government. On October 11, the King appointed Lokendra Bahadur Chand as Prime Minister of a caretaker government. By year's end, no date had been set for national or local elections.

Under the Constitution all citizens aged 18 and over may vote. The House of Representatives, or lower house, may send legislation directly to the King by majority vote. The National Assembly, or upper house, may amend or reject lower house legislation, but the lower house can overrule its objections. The upper house also may introduce legislation and send it to the lower house for consideration.

The King exercised certain powers with the advice and consent of the Council of Ministers and the Prime Minister. The King has exclusive authority to enact, amend, and repeal laws relating to succession to the throne. The King's income and property are tax-exempt and inviolable, and no question may be raised in any court about any act performed by the King. The Constitution permits the King, acting on advice of the Council of Ministers, to exercise emergency powers in the event of war, external aggression, armed revolt, or extreme economic depression. In such an emergency, the King, as advised by the civilian government, may suspend without judicial review many basic freedoms, including the freedoms of expression and assembly, freedom from censorship, and freedom from preventive detention. However, he may not suspend habeas corpus or the right to form associations. The King's declaration of a state of emergency must be approved after 3 months by a two-thirds majority of the lower house of the Parliament. If the lower house is not in session, the upper house exercises this power. A state of emergency may be maintained for up to 3 months without legislative approval and for up to 6 months, renewable only once for an additional 6 months, if the legislature grants approval.

The Constitution bars the registration and participation in elections of any political party that is based on "religion, community, caste, tribe, or region," or that does not operate openly and democratically. In the 1999 election, there were sporadic incidents of violence that mainly occurred between supporters of rival political parties. Maoist efforts to disrupt the 1999 elections by intimidating voters and candidates had some effect. The elections generally were held throughout the country according to schedule. International observers considered the elections to be generally

free and fair.

There were 12 women in the 205 seat legislature, before its dissolution, and there were 9 women in the 60-member National Assembly. There was one woman in the interim Cabinet appointed by the King in October. There were no specific laws that restrict women, indigenous people, or minorities from participating in the Government or in political parties. Tradition limits the roles of women and some castes in the political process. However, the Constitution requires that women constitute at least 5 percent of each party's candidates for the House of Representatives. The law also requires that at least 20 percent of all village and municipal level seats be reserved for female candidates. The 1999 elections resulted in an increase from 7 to 12 in the number of women in the 205-seat lower house and from 5 to 9 in the 60-seat upper house.

No specific laws prevent minorities from voting or restrict them from participating in the Government and political parties on the same basis as other citizens. Hindus and members of certain castes traditionally have held more power than others, but members of other religious and social groups have in the past few years gained increasing influence in government, including senior leadership positions. There were no special provisions to allocate a set number or percentage of political party positions or parliamentary seats for any minority group. In August 2001, Ramprit Paswan, an opposition Member of Parliament and a "dalit" (member of the lowest caste), was elected Vice Chairman of the National Assembly.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic (and international) human rights groups operated, investigating and publishing their findings on human rights cases; however, the Government detained human rights activists suspected of Maoist affiliation during the state of emergency. There were approximately 10 domestic human rights NGOs. These included the Human Rights Organization of Nepal (HURON), INSEC, the International Institute for Human Rights, Environment, and Development (INHURED), and the Human Rights and Peace Society (HURPES). The Nepal Law Society also monitored human rights abuses and a number of NGOs focused on specific areas such as torture, child labor, women's rights, or ethnic minorities.

According to INSEC, security forces arrested 16 human rights activists during the state of emergency. The government continued to hold 8 at year's end. On March 16, security forces arrested Pramod Kafle, a human rights activist involved in Bhutanese refugee affairs; Mahesh Maskey, a doctor active in human rights; and Shyam Shrestha, a journalist, at Tribhuvan International Airport as they were leaving on a flight to India. They were released on March 26. At year's end, Prem Bahadur Saud and Tim Kumari Khanal continued to be detained. Bishnu Prasad Khanal was released in 2001; however, he was re-arrested in January. On June 23, Khanal was released. There were reports that the Government and the Maoists limited the activities of human rights activists. Maoists also prevented journalists and human rights activists who traveled to Rolpa to inspect the area freely on their own.

On July 29, Bishnu Pukar Shrestha, who is a secondary school teacher, lawyer, member of a human rights organization, and suspected Maoist, reportedly was arrested from his home in Kathmandu. Army and police officials maintained that he was not in custody (see Section 1.b.). On December 16, Shrestha was released. Shrestha previously had been arrested by police in July 2000; however, Shrestha never was charged with any crime.

The insurgency has caused a number of NGOs in the midwestern districts to reduce their activities substantially. In addition, Maoists have killed and abducted NGO workers. On January 16, Maoists killed Mukti Nath Adhikari, head of a local chapter of Amnesty International in Lamjung District. Hari Narayan Shrestha of Human Rights and Peace Society's Ramechhap district office was abducted by Maoists on August 18, 2001 and released 3 days later. During the year insurgents stole hundreds of metric tons of emergency food supplies from INGO programs targeting vulnerable populations. Maoists also have targeted aircraft attempting to make humanitarian deliveries of foodstuffs to midwestern districts.

In 2000 the Government formed the NHRC, a government-appointed commission with a mandate to investigate human rights violations. The Commission included members from all major political parties and operated independently; however, resource constraints and insufficient manpower restricted the number of cases the commission can bring to court. Once the NHRC completes an investigation and makes a recommendation, the Government has 3 months to respond. Since its establishment, the Commission has received 861 complaints of human rights violations, investigated 51, and issued final recommendations in 5 cases. Some cases involve the disappearance of detainees, illegal detention, and arrest of acquitted persons, but many other cases are relatively

trivial.

The Government does not refuse visas to international NGO human rights monitors, or otherwise restrict their access when they are in the country. However, some areas along the country's border with China are restricted. An organization monitoring Tibetan refugee flows has been denied access to these border areas.

Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution specifies that the Government shall not discriminate against citizens on grounds of race, sex, caste, or ideology; however, there still is a de facto caste system. Discrimination against lower castes, women, and the disabled remains common, especially in rural areas.

Women

Violence against women is a serious problem that receives limited public attention. On April 11, Parliament passed the Domestic Violence Control Bill, which is awaiting royal approval. The bill would stipulate penalties for domestic violence, including ordering the aggressor to pay hospital costs for the victim, and fining the aggressor a minimum of \$64 (NRs 5,000). There was a general unwillingness among citizens, and particularly among government authorities, to recognize violence against women as a problem. In a survey conducted by local NGO SAATHI, 42 percent of the respondents said that in their experience medical practitioners were uncooperative or negligent in cases of violence against women and girls. This unwillingness to recognize violence against women and girls as unacceptable in daily life was seen not just in the medical profession, but among the police and politicians as well.

Rape and incest also are problems, particularly in rural areas. Laws against rape provided for prison sentences of 6 to 10 years for the rape of a woman under 14 years of age and 3 to 5 years for the rape of a woman over the age of 14. The law prescribes imprisonment for 1 year or a fine for the rape of a prostitute. As of May 2, the law does forbid spousal rape. A survey conducted by SAATHI found that 39 percent of rape victims who reported the crime to police were under the age of 19. Of those victims who reported the crime to the authorities, 25 percent said the perpetrator was convicted and jailed.

The dowry tradition is strong, with greater prevalence in the Terai region. The killing of brides because of defaults on or inadequacy of dowry payments was rare, but did occur. More common was the physical abuse of wives by the husband and the husband's family to obtain additional dowry or to force the woman to leave to enable the son to remarry.

Folk beliefs about witchcraft, which are especially strong in the lowland Terai area on the Indian border, generally target women, particularly elderly and/or widowed women. Shamans or other local authority figures sometimes publicly beat and physically abuse suspected witches as part of an exorcism ceremony. In September 2001, two men, including a local village official, were jailed in Simardahi, Mahottari District, after failing to post bond for charges relating to the August 14 beating of an elderly woman after publicly denouncing her as a witch. The two men had been charged under the Public Offense Act. In September 2001, police arrested five men in Sirsiya Khalbatol, Parsa, for beating and forcefeeding feces to a 60-year-old widow suspected of witchcraft. In September 2001, the Supreme Court issued a show cause notice to the Government for its failure to enact a law specifically to punish perpetrators of violence in witchcraft cases. In September 2001, four villagers beat 60-year-old Malechhiya Devi to death in Bel Ekdara, Mahottari, on suspicion of witchcraft. The victim's widower filed charges against the five suspects, who fled after the incident (see Section 1.a.).

The police department has 18 "women's cells." These cells include female officers who received special training in handling victims of domestic violence. The police also have sent out directives instructing all officers to treat domestic violence as a criminal offense that should be prosecuted. However, according to a police official, this type of directive was difficult to enforce because of entrenched discriminatory attitudes. Even though the police may make an arrest, further prosecution often was not pursued by the victim or by the Government.

At least ten NGOs in Kathmandu work on the problem of violence against women and on women's issues in general. SAATHI's assistance program includes a women's shelter and a suicide intervention center. The shelter provided housing, medical attention, counseling, and legal advocacy for the victims of violence.

Trafficking in women remained a serious problem in several of the country's poorest areas, and large numbers of women still are forced to work against their will as prostitutes in other countries (see Section 6.f.).

Although the Constitution provides protections for women, including equal pay for equal work, the Government often has not taken significant action to implement those provisions, even in many state industries. Women face systematic discrimination, particularly in rural areas, where religious and cultural tradition, lack of education, and ignorance of the law remain severe impediments to their exercise of basic rights such as the right to vote or to hold property in their own names. Women have benefited from some changes in marriage and inheritance laws. On March 14, Parliament passed a bill which allowed unmarried, widowed, or divorced women to inherit parental property. The Citizenship Law discriminates against foreign spouses of female citizens, and denies citizenship to the children of female citizens married to foreign spouses, even if those children are born in the country. Many other discriminatory laws still remain. According to legal experts, there are over 50 laws that discriminate against women. For example, the law grants women the right to divorce, but on narrower grounds than those applicable to men. The law on property rights also favors men in its provisions for inheritance, land tenancy, and the division of family property.

According to the 2001 census, the most recent statistics available, the female literacy rate was 43 percent, compared with 65 percent for men. Human rights groups reported that girls attend secondary schools at a rate half that of boys. There were many NGOs focused on integrating women into society and the economy. These NGOs worked in the areas of literacy, small business, skills transfer, and prevention of trafficking in women and girls. There also were a growing number of women's advocacy groups. Most political parties have women's groups.

Children

Education is not compulsory. Government policy was to provide free primary education for all children between the ages of 6 and 12 years, but the quality of education was sorely inadequate, many families cannot afford school supplies and clothing, and schools do not exist in all areas. Schools charge fees for higher education. Approximately 60 percent of the children who work also attended school. However, approximately 70 to 75 percent of boys who work go to school, compared to only 50 to 60 percent of the girls who work. Basic health care was provided free to children and adults at government clinics, but they were poorly equipped and too few in number to meet the demand. Community-based health programs assisted in the prevention of childhood diseases and provide primary health care services. Poor or nonexistent sanitation in rural areas puts many children at risk from severe and fatal illnesses. The Government has made significant progress in improving basic community health care services over the past 5 years, bringing down the mortality rate of children under age 5 by 23 percent since 1996. A Vitamin A supplementation program operated nationwide, and immunization outreach has increased from 45 percent in 1996 to 60 percent this year. The lack of adequate antenatal care and widespread malnutrition remained problems.

Forced prostitution and trafficking in young girls remained serious problems (see Section 6.f.).

Societal attitudes view a female child as a commodity, to be bartered off in marriage, or as a burden. Some persons, in fact, consider marrying a girl before menarche an honorable, sacred act that increases one's chances of a better afterlife. As a result, although the law prohibits marriage for girls before the age of 18, child brides were common. According to the Ministry of Health, girls' average age of marriage was 16 years of age. The age difference in marriage often was cited as one cause of domestic violence.

The Government incarcerated some dependent children with adult parent offenders if there were no other adult relatives to care for them. In November 2001, the Government began transferring children detained in jail to two residential facilities that provide education in accord with a provision in the 1992 Children's Act. At year's end, 28 dependent children of inmates and 8 juvenile offenders had moved into the residential facilities and begun school. Unlike in previous years, there were no reports of children in jail or custody as suspected or convicted criminals, although there were reports of children held under anti-terrorism laws as suspected Maoists.

There have been numerous reports that Maoists recruit teenagers to serve as porters, runners, cooks, and armed cadre.

Persons with Disabilities

Persons with disabilities face widespread societal discrimination. There was discrimination against persons with disabilities in employment, education and in the provision of other state services. Families often were stigmatized by and ashamed of family members with disabilities, who may be hidden away or neglected. Economic integration was further hampered by the general view that persons with disabilities were unproductive. The mentally retarded were associated with the mentally ill. Sometimes mentally ill and retarded persons were placed in prisons due to the lack of facilities or support. A report authored jointly by UNICEF and the National Planning Commission

estimated that there are approximately 400,000 persons with disabilities in country.

The Government long has been involved in providing for persons with disabilities, but limited resources have kept the level of government assistance insufficient to meet their needs. The Disabled Persons Protection and Welfare Act and additional 1994 rules mandate accessibility to buildings, transportation, employment, education, and other state services. The Government has begun developing a policy on equal access for persons with disabilities to public buildings and transportation. However, despite government funding for special education programs, the Government does not implement effectively or enforce laws regarding persons with disabilities. A number of NGOs working with persons with disabilities received significant funding from the Government, but persons with physical or mental disabilities relied almost exclusively on family members to assist them.

National/Racial/Ethnic Minorities

The country has over 75 ethnic groups that speak 50 different languages. The Constitution provides that each community "shall have the right to preserve and promote its language, script, and culture." The Constitution further specifies that each community has the right to operate schools up to the primary level in its mother tongue.

In remote areas, school lessons and national radio broadcasts often were conducted in the local language. However, in areas with nearby municipalities, education at the primary, secondary, and university levels was conducted almost exclusively in Nepali, which was constitutionally mandated as the official language of the State. On November 29, UNESCO reported that 13 indigenous languages were endangered and the language of the Kusunda community is nearly extinct.

Discrimination against lower castes was especially common in the rural areas in the western part of the country, even though the Government has outlawed the public shunning of "untouchables," and makes an effort to protect the rights of the disadvantaged castes. Economic, social and educational advancement tended to be a function of historical patterns, geographic location, and caste. Better education and higher levels of prosperity, especially in the Kathmandu Valley, slowly were reducing caste distinctions and increasing opportunities for lower socioeconomic groups. Better educated, urban-oriented castes (Brahmin, Chhetri, and certain elements of the Newar community traditionally dominant in the Kathmandu Valley) continued to dominate politics and senior administrative and military positions, and to control a disproportionate share of natural resources in their territories. Two members of the Cabinet were from ethnic minority communities.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the freedom to establish and to join unions and associations. It permitted the restriction of unions only in cases of subversion, sedition, or similar conditions. Trade unions developed administrative structures to organize workers, to bargain collectively, and to conduct worker education programs. The three largest trade unions were affiliated with political parties.

Union participation in the formal sector accounted for approximately 10 to 12 percent of the formal work force. The Labor Act and the Trade Union Act formulated enabling regulations; however, the Government has not yet fully implemented these acts. The Trade Union Act defines procedures for establishing trade unions, associations, and federations. It also protect unions and officials from lawsuits arising from actions taken in the discharge of union duties, including collective bargaining, and prohibits employers from discriminating against trade union members or organizers. There were few reports of discrimination against union members.

The Government does not restrict unions from joining international labor bodies. Several trade federations and union organizations maintain a variety of international affiliations.

b. The Right to Organize and Bargain Collectively

The Labor Act provides for collective bargaining, although the organizational structures to implement the act's provisions have not been established. Collective bargaining agreements cover an estimated 20 percent of wage earners in the organized sector, and hotel workers have bargained aggressively for additional compensation. However, in general, labor remained widely unable to use collective bargaining effectively due to inexperience, employer reluctance to bargain, and court injunctions.

The law permits strikes, except by employees in essential services such as water supply, electricity, and telecommunications. The law empowers the Government to halt a strike or to suspend a union's activities if the union disturbs the peace or if it adversely affected the nation's economic interests. Under the Labor Act, 60 percent of a union's membership must vote in favor of a strike in a secret ballot for the strike to be legal. In March 2001 the Government averted a strike threatened by hotel employees by determining that hotel employees fall under the Essential Services Act that proscribes strikes. Contract employees at a foreign-owned factory in Hetauda district struck from August 26 to 28, 2001 after management refused to hire them as permanent employees. Strike organizers suspended the strike after 3 days. In 2001 there were frequent reports of Maoist-affiliated agitators disrupting work at garment and carpet factories in the Kathmandu Valley. Some factory owners reported receiving demands from the Maoists that included tripling wages for unskilled laborers; hiring all seasonal or contract employees as permanent labor; and firing any foreign workers. In August 2001, Maoist labor organizers stopped work at four Kathmandu Valley garment factories for several hours, shut off the electricity, and forced employees outside to listen to speeches.

There are no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred. The Department of Labor enforces laws against forced labor in the small formal sector, but remains unable to enforce the law outside that sector.

Historically, a system of bonded agricultural laborers, known as the Kamaiyas, existed in areas of the western Terai region. In July 2000, the Government made bonded labor illegal and released the "Kamaiya" bonded agricultural workers from their debts. Resettlement of the Kamaiyas began in January 2001, and distribution of land began in March 2001. On February 21, the Kamiya Prohibition Act became law, which codified the emancipation of bonded laborers and established fines of \$194 to \$325 (NRs 15,000 to 25,000) for employers engaged in Kamaiya labor practices. The Act emancipated those persons who worked as Kamaiya laborers; forgave outstanding Kamaiya loans and canceled bonds or related contracts; and provided for the return of the Kamaiyas' mortgaged or secured property within three months. The Act also established "Freed Kamaiya Rehabilitation and Monitoring Committees" in specific affected districts, and created a new position of "Welfare Officer" to oversee the administration of the Government's Kamaiya relief funds.

Enforcement of the Act by the Government was haphazard. To date, approximately 12,092 (out of a total 52,000 eligible) have been provided with up to one-third of an acre of land and 75 cubic feet of timber to build houses. The Government has set up temporary camps for Kamaiyas still awaiting settlement and has begun arrangements for distribution of food under a food-for-work program. A 2001 Rapid Assessment conducted by the ILO estimates that 17,000 child laborers are working as bonded laborers in the remnants of the Kamaiya system (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution stipulates that children shall not be employed in factories, mines, or similar hazardous work and limits children between the ages of 14 and 16 years to a 36-hour workweek. The law established a minimum age for employment of minors at 16 years in industry and 14 years in agriculture and mandated acceptable working conditions for children.

During the year, the ILO estimated that 33,000 children work as bonded laborers. In July 2000, the Government passed the Child Labor Act, the country's first comprehensive child labor law. The law, drafted with the assistance of the ILO, was the first national legislation to establish specific penalties for those who unlawfully employ children. It repeated the existing prohibition of the employment of children under the age of 14 years and renewed the constitutional provision that children between the ages of 14 and 16 years may work, but no more than 6 hours a day and 6 days a week. The law prohibited child labor in tourism, cigarette or carpet factories, mines, or laboratories. Employers must maintain records of all 14-to 16-year-old laborers. However, because the necessary implementing regulations to accompany the law have not yet been passed, implementation was difficult. In September 2001, the Supreme Court, acting on a petition filed by an NGO, ordered several government ministries to explain the lack of progress on implementing regulations for the Child Labor Act. The ministries responded to this court order by stating that the continued delay is a result of the necessity to rework the Act to have it comply with the ILO Convention 182.

These legal protections notwithstanding, resources devoted to their enforcement are limited, and children work in many sectors of the economy. NGOs estimated that 2.6 million children--most of them girls--were economically

active. Of that number, 1.7 million children worked full time. The agricultural sector accounted for most child laborers—an estimated 95 percent. Roughly 60 percent of children who work also attend school. Approximately 70 to 75 percent of boys who work go to school, compared with 50 to 60 percent of girls who work. ILO Rapid Assessments published in 2001 estimate that 55,000 child laborers worked as domestics in urban areas, 42,000 as porters, 4,000 as rag pickers, and 17,000 as bonded laborers. The bonded laborers continued to work in the remnants of the Kamaiya system, usually as a condition on the employment contract of their parents. Others are economically active in a few small-scale and cottage industries, such as brick and tile works, quarries, coal mines, match factories and auto repair shops. In previous years there were reports that children also were economically active in the carpet weaving, pottery, basket weaving, sewing, and ironsmithing industries.

There were reports that the Maoists use children, including girls, as soldiers, shields, runners, and messengers.

The Ministry of Labor's enforcement record was mixed. According to the Ministry, during 2001 it conducted several hundred inspections of carpet factories in the Kathmandu Valley to ensure that no child labor was present; however, this statement later was retracted. Government monitoring of other industries and of industries outside the Kathmandu Valley was sporadic. The Government also conducted public awareness programs to raise public sensitivity to the problem of child labor.

On May 3, the Supreme Court ruled in favor of Dhiraj K.C., a child laborer who was shackled by his employer, Madhusan Munakarmi, to prevent him from escape from work. The court ordered Munakarmi to pay a fine of \$38 (NRs 3,000) and to pay K.C. \$961 (NRs 75,000) in compensation.

The private sector has made its own efforts to eradicate child labor, especially in the carpet industry. In August 1999 the carpet manufacturers association pledged publicly to end child labor in the industry by 2005. The Rugmark Foundation certifies carpets made without child labor; over half of all carpet factories participate in this or a similar certification system. As a result of this initiative, and of consumer pressure, Rugmark estimates that children constitute only 2 percent of the work force in the export-oriented carpet industry. However, children's rights activists stated that children remain a part of the work force, in the smaller factories and family weaving units. During the year, Rugmark investigated 71 complaints and conducted 4,037 inspections at 458 factories. Rugmark removed 23 children from employment, and issued warnings to 33 factories.

e. Acceptable Conditions of Work

In April 2000 the Government passed legislation that raised the minimum monthly wage for unskilled labor to \$20 (NRs 1,450). The law also defined monthly minimum wages for semi-skilled labor at approximately \$21 (NRs 1,500), skilled labor at \$22 (NRs 1,610), and highly skilled labor at \$25 (NRs 1,800). The minimum wage for children ages 14 to 16 was set at \$16 (NRs 1,144). Additional allowances for food and other benefits as provided by the act total \$7 (NRs 500) per month for adult labor, and \$5 (NRs 360) per month for children aged 14-16. Wages in the unorganized service sector and in agriculture often are as much as 50 percent lower. The Labor Act calls for a 48-hour workweek, with 1 day off per week, and limits overtime to 20 hours per week.

Health and safety standards and other benefits such as a provident fund and maternity benefits also were established in the act. Implementation of the new Labor Act has been slow, as the Government has not created the necessary regulatory or administrative structures to enforce its provisions. Workers do not have the right to remove themselves from dangerous work situations without fear of losing their jobs. Although the law authorizes labor officers to order employers to rectify unsafe conditions, enforcement of safety standards remains minimal.

f. Trafficking in Persons

The law prohibits trafficking in persons and prescribes imprisonment of up to 20 years for infractions; however, trafficking in women and girls remained a serious problem in several of the country's poorest areas, and borderguards and immigration officials commonly accepted bribes from traffickers. The Government protects the rights of victims and does not detain, jail, or prosecute them for violations of other laws. Young women were by far the most common targets; trafficking of boys was reported in rare instances. While the vast majority of trafficking was of women and girls for sexual exploitation, women and girls sometimes were trafficked for domestic service, manual or semi-skilled bonded labor, or other purposes. The country was a primary source country for the South Asia region; most women and girls trafficked from the country go to India.

Local NGOs combating trafficking estimated that from 5,000 to 12,000 Nepali women and girls were lured or abducted annually into India and subsequently forced into prostitution; however, these numbers were not consistent and NGOs were seeking better estimates. Citizens reportedly also have been trafficked to Hong Kong,

Saudi Arabia, and other countries in the Middle East. In some cases, parents or relatives sell women and young girls into sexual slavery. Hundreds of girls and women return voluntarily, were rescued, or were repatriated to the country annually after having worked as prostitutes in India. Most were destitute and, according to some estimates, 50 percent were HIV-positive when they returned.

There is legislation to protect women from coercive trafficking, including a ban on female domestic labor leaving the country to work in Saudi Arabia and other countries in the Gulf; however, enforcement was not strict and penalties were modest. Women's rights groups have protested the ban as discriminatory. Government officials suspected that organized crime groups and "marriage brokers" were the primary perpetrators of trafficking in the country. The traffickers usually were from the country, but have links to brothels in India. NGOs reported that approximately 50 percent of the victims were lured to India with the promise of good jobs and marriage, 40 percent were sold by a family member and 10 percent were kidnaped. These estimates have not been verified. NGOs have found that once prevention programs were initiated in a district, the traffickers move to other areas.

A 2001 study by ILO-IPEC found that 30 percent of sex workers in Kathmandu are below 18 years of age. Another study by a foreign labor department states that 5,000 to 7,000 sex workers were between the ages of 10 and 18 years old. Since 1996 active special police units have dealt with crimes against women and children.

Enforcement of antitrafficking statutes remains sporadic, but the Ministry of Women, Children and Social Welfare (MOWCSW) has introduced legislation to toughen penalties against traffickers. During the year, a Documentation and Information Center was established within the Ministry to coordinate trafficking initiatives. The Human Trafficking Control Act of 1986 prohibited selling persons in the country or abroad and provided for penalties of up to 20 years' imprisonment for traffickers. However, this legislation does not criminalize the separation of minors from their legal guardians with the intent of trafficking them. As a result, no crime occurs until the victim and perpetrators are outside the jurisdiction. There were many social and legal obstacles to successful prosecution, and convictions are rare. Border guards commonly accept bribes to allow contraband and trafficked girls in or out of the country.

According to the 2000-2001 annual report of the Attorney General's Office, 463 antitrafficking cases have been filed, of which 132 resulted in convictions and 95 in acquittals, while 236 remain undecided. A 2001 survey conducted of 3 jails in the capital by the Human Rights and Environment Forum found 180 convicted or alleged traffickers in jail. Those convicted were serving sentences of up to 20 years.

While the Government lacks both the resources and institutional capability to address effectively its trafficking problem, the Government has established a National Task Force at MOWCSW with personnel assigned to coordinate the response. There were programs in place to train the police and the MOWCSW worked closely with local NGOs to rehabilitate and otherwise assist victims. However, the Government lacked the fiscal means to provide adequate training and resources to police, and the courts were overburdened and susceptible to corruption. Government welfare agencies generally were incapable of delivering effective public outreach programs or assistance to trafficking victims. As a result, antitrafficking efforts primarily have been the domain of NGOs and bilateral donors. While the Government has promulgated a "National Plan of Action" to combat trafficking, its implementation has been haphazard.

The Government provided limited funding to NGOs to provide assistance to victims with rehabilitation, medical care, and legal services. The Ministry of Labor and Social Welfare sponsored job and skill training programs in several poor districts known for sending prostitutes to India. In May 1999, the Ministry of Women and Social Welfare opened the Women's Skill Development and Training Center, a rehabilitation and skills training center for women returned from being trafficked and for women and girls at risk of being trafficked. The Government protected the rights of victims and did not detain, jail, or prosecute them for violations of other laws.

The Government, together with NGOs and international organizations, has implemented local, regional and national public awareness campaigns about trafficking in persons. Cultural attitudes toward returned victims of trafficking were often negative and the Government response sometimes reflected that bias. There were more than 40 NGOs combating trafficking, several of which have rehabilitation and skills training programs for trafficking victims. Two representative NGOs were members of the MOWCSW's National Task Force Against Trafficking. With the Government's endorsement, many NGOs have public information and outreach campaigns in rural areas. These groups commonly use leaflets, comic books, films, speaker programs, and skits to convey antitrafficking messages and education. Some organizations involved in the rehabilitation of trafficking victims state that their members have been threatened and that their offices have been vandalized because of their activities.

During the year, the U.N. Development Fund for Women and the Joint Initiative against Trafficking (a joint project

of the U.N. Task Force against Trafficking and the MOWCSW) hosted several workshops to enhance cross-border anti-trafficking collaboration. The International Agency Coordinating Group, comprised of NGOs, bilateral donor agencies, and Government agencies, met regularly to share information, plan common approaches, and avoid duplication of work.